

CHILD PROTECTIVE SERVICE INVESTIGATION STANDARDS

STANDARD for COLLABORATION WITH LAW ENFORCEMENT AGENCIES

Issued February, 2004

Issued by the Division of Children and Family Services
Department of Health and Family Services

COLLABORATION WITH LAW ENFORCEMENT AGENCIES

I. Statutory Requirements

A. Statutory Requirements for Referral to Law Enforcement Agencies

I.A.1. All cases of suspected or threatened sexual abuse received by the county department shall be reported to law enforcement agencies. For all other cases of suspected maltreatment (physical abuse, neglect and emotional abuse), the county department shall have a written policy for what it will routinely refer to law enforcement. [Ref. s. 48.981(3)(a)3., Stats.]

Wisconsin statutes require reports of alleged child abuse or neglect to be made to the county department or the Bureau of Milwaukee Child Welfare (BMCW) or to local law enforcement agencies. The statute states: "A person required to report ... shall immediately inform, by telephone or personally, the county department ... or the sheriff or city, village or town police department of the facts and circumstances contributing to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur..." [Ref. s. 48.981(3)(a)1., Stats.]

The statutes require communication between law enforcement agencies and county social/human services departments. Specifically, the statutes require that "...The sheriff or police department shall within 12 hours, exclusive of Saturdays, Sundays or legal holidays, refer to the county department..., department or a licensed child welfare agency under contract with the department all cases reported to it. The county department, department or licensed child welfare agency may require that a subsequent report be made in writing." [Ref. s. 48.981(3)(a)2., Stats.]

The statutes further require that "A county department, the department or a licensed child welfare agency under contract with the department shall within 12 hours, exclusive of Saturdays, Sundays or legal holidays, refer to the sheriff or police department all cases of suspected or threatened abuse, as defined in s. 48.02(1)(b) to (f), reported to it. For cases of suspected or threatened abuse, as defined in s. 48.02(1)(a), (am), or (gm) or neglect, each county department, the department, and a licensed child welfare agency under contract with the department shall adopt a written policy specifying the kinds of reports it will routinely report to local law enforcement authorities." [Ref. s. 48.981(3)(a)3., Stats.]

B. Statutory Requirements for Coordination with Law Enforcement Agencies

I.B.1. "If the report is of suspected or threatened abuse, as defined in s. 48.02(1)(b) to (f), the sheriff or police department and the county department, department, or licensed child welfare agency under contract with the department shall coordinate the planning and execution of the investigation of the report." [Ref. s. 48.981(3)(a)4., Stats.]

Although the statutes require referral to law enforcement agencies and coordination with law enforcement agencies only in cases of suspected or threatened sexual abuse [cases defined in s. 48.02(1)(b) to (f)], collaboration on other cases of maltreatment is also very important, given the different yet complementary roles of each system. Law enforcement agencies conduct criminal investigations and pursue charges against persons alleged to have committed crimes and take immediate action, when warranted, to assure public safety. Many law enforcement agencies are also involved in crime prevention through community-oriented policing. The child protective services system attempts to help families meet their immediate and ongoing safety needs and assure the well-being of their children, and pursues civil court action, when necessary, to support this purpose. However, the immediate safety of children is a responsibility shared by both systems. Neither system can always effectively fulfill this responsibility on its own.

II. Coordination with Law Enforcement Agencies

A. Purpose of Coordination with Law Enforcement Agencies

II.A.1. Coordination between the county department and local law enforcement agencies shall be designed to fulfill the following purposes:

- Improve safety for children
- Improve efficiency and effectiveness of information gathering and decision making
- Reduce trauma to children
- Improve safety for other family members and the CPS worker, when needed

Collaboration with law enforcement is intended to result in improved safety for children. Law enforcement officers can enter a home or other private property without permission if there is probable cause to believe that a crime is being committed and there are exigent circumstances and can take children into immediate custody when the circumstances warrant it. Law enforcement officers can also handle dangerous criminal activity that creates risk for a child or makes a child unsafe.

Law enforcement information about alleged maltreaters and family members, as well as community conditions, can improve safety assessment and safety planning. In jurisdictions with an emphasis on community-oriented policing, the relationship that a law enforcement professional has with the principles of the report and collaterals in the community can encourage motivation and commitment to follow through with protective plans and safety plans. Law enforcement actions, such as arrest and incarceration of the maltreater, may also be factored into the safety plan.

Law enforcement officers can also help keep everyone safe during the investigation/assessment process. It is not unusual for a CPS worker to find himself or herself confronted by an angry, volatile or out-of-control family member or family friend. Alcohol or other drug abuse by family members or friends can create volatile, unpredictable conditions that are best handled by law enforcement professionals. In addition, the potential presence of weapons puts CPS workers at heightened risk.

Law enforcement officers can pursue alleged maltreaters in non-family cases where CPS has limited authority to intervene directly with the maltreaters. In cases of maltreatment by adult non-caregivers, the law enforcement system is the only system that can take action to directly control or restrict the behavior of the maltreater.

B. Underlying Philosophies of the Criminal Justice and Child Welfare Systems

II.B.1. Coordination between the county department and local law enforcement agencies shall be designed to recognize the different purposes and roles of each system and assure that both systems are able to perform their responsibilities effectively.

Interventions in cases of child maltreatment by the criminal justice system and child welfare system are each based on different beliefs as to the etiology of child abuse and neglect. The criminal justice system is constructed to view child maltreatment as an intentional anti-social act against a child. Therefore, the system is designed to deter and punish deviant behavior and to keep the public safe by separating offenders from the rest of society.

The child welfare system on the other hand, views child maltreatment as a result of problems in functioning in the parent role and problems in family functioning, exacerbated by stressful societal or environmental conditions (e.g., loss of employment, poverty, racism, etc.) It views child abuse and neglect as the co-occurrence of the rise in risk factors and the breakdown of protective factors. As such, the child welfare system provides supports to stabilize a family and assure safety and treatment services to change those conditions placing children at risk and strengthen the protective capacities of the family.

These different views of the causes of child maltreatment define separate case identification strategies. Law enforcement agencies conduct incident-based investigations to determine if a crime has been committed and a particular person or persons should be held responsible and prosecuted. Child welfare agencies conduct assessments of risk factors and protective (buffering) factors to determine if agency services or other community services are needed. Both systems act to assess and ensure immediate safety.

In reality, some of the cases of maltreatment referred to county agencies are the result of criminal behavior (anti-social behavior or other behavior rooted in psychopathologies or personality disorders resulting in criminal acts). Children living in homes where parents operate a methamphetamine lab or children methodically starved by their parents are neglected and endangered through their parents' criminal acts. The sexual abuse of a young child by an adult is also a criminal act. But the majority of cases referred to the child welfare system are families who need assistance to provide adequate care for their children.

This leads to different interviewing approaches and protocols, which will be discussed later in section III.D. Law enforcement agencies may use varied approaches, and some have an expanded role of prevention through community policing. These methods are generally more consistent with CPS purposes than is the law enforcement role of punishment, and may result in the ability to coordinate on more cases.

III. Memoranda of Understanding (MOU) with Law Enforcement Agencies

A. Development of Memoranda Of Understanding (MOU)

III.A.1. County agencies and BMCW shall develop written memoranda of understanding (MOU) between the local agency and each law enforcement agency located within the county, including tribal law enforcement agencies.

III.A.2. County agencies and BMCW may develop one MOU with all parties or individual MOUs with each law enforcement agency. If the latter model is used, the county agency or BMCW must assure that the individual MOUs are acceptable to all of the parties to the other MOUs. For example, if the Sheriff's Department wants all maltreatment cases referred to it rather than to local law enforcement agencies in small municipalities, this should be agreeable to all relevant parties. This may be advantageous if, for example, the Sheriff's Department has an officer or officers who are specially trained in these types of cases. For the sake of uniformity and clarity on the part of the county agency or BMCW, if separate MOUs are developed with individual law enforcement agencies, there shall be consistency between them (e.g., definitions of "torture," "egregiously inappropriate" behaviors).

III.A.3. In order to maintain the viability of the agreements, the MOU shall be revisited at least biennially and modified as needed. Agreement by all parties with the stipulations of the MOU, either as revised or as continued, shall be documented biennially. This requires that a representative from all involved agencies sign and date the MOU.

III.A.4. If a law enforcement agency will not meet with the county agency or BMCW to develop an MOU, the county agency shall develop "a written policy specifying the kinds of reports it will routinely report to local law enforcement authorities" [s.48.981(3)(a)3, Stats.], send or give the policy to the law enforcement agency and document its efforts to meet with the law enforcement agency. The written policy shall conform to the standard for the types of cases routinely referred to law enforcement described under III.C.1.

Since county departments, the Department and local law enforcement agencies all have statutory responsibilities in cases of child maltreatment, and since coordination is statutorily required in the planning and execution of a subset of cases, it is critical that the local written policy be in the form of a memorandum of understanding (MOU). The MOU should assure that each party is able to effectively meet its responsibilities and that the safety and well being of children and other family members is paramount. An MOU also assures that all parties agree to the procedures mutually developed.

The process of discussing and developing the agreement is as important as the agreement itself, in that it will:

- enhance understanding and appreciation of each other's role, responsibilities, skills and limitations
- reinforce successful implementation of the agreement
- lead to identifying creative and improved solutions and strategies

- enhance overall cooperation

County agencies are encouraged to hold meetings with law enforcement personnel and others, as appropriate, to discuss and come to agreement on all of the issues involved.

One MOU vs. Individual MOUs

It is strongly recommended that one MOU be developed with all law enforcement agencies. This may be difficult to accomplish, as law enforcement agencies are not bound by this standard. Although individual MOUs with each law enforcement agency may be easier to negotiate and achieve, they make it difficult for the county agency to operate efficiently. Multiple MOUs can create a situation where the county agency must frequently review an MOU throughout the investigation/assessment process, in order to determine whether a law enforcement agency should be notified, how a case should be coordinated, whether joint, parallel or independent interviewing should be done, whether written reports will be shared, etc. One MOU will allow the agency to know how to proceed with each report received, regardless of the law enforcement jurisdiction in which the alleged maltreatment occurred.

One MOU will also support agreements between law enforcement agencies that can capitalize on special skills and training. For example, small township or village agencies may reach an agreement with the county sheriff's department that certain functions or cases routinely be handled by the latter. If one MOU is not possible, every effort should be made to create the greatest consistency possible amongst all MOUs, so that the county agency's practice and procedures do not vary from one MOU to the next.

B. MOU Scope and Applicability

III.B.1. The MOU requirements reference "cases" of suspected or threatened maltreatment. "Cases" are those reports that are screened in by the county department or BMCW as potentially meeting the definitions of child maltreatment in Ch. 48, Stats.

C. MOU Content - Cases Routinely Referred to Law Enforcement Agencies

III.C.1. The MOU shall contain an agreement that the county department or BMCW will refer to law enforcement, at a minimum, all cases in which the following are alleged:

Sexual Abuse

- threatened or suspected sexual abuse, as defined in s. 48.02(1)(b) to (f), Stats., and that is not part of normal childhood development

Physical Abuse or Neglect

- maltreatment that resulted in a fatality
- maltreatment by any adult secondary caregiver or adult non-caregiver
- maltreatment by any adult primary caregiver who does not have a formal relationship with the child victim and who may not fall directly under CPS authority (e.g., an unrelated person who

- temporarily resided in the child's home)
- maltreatment resulting in physical injuries, as defined in s. 48.02, Stats., requiring medical treatment
- maltreatment resulting in a medical condition requiring treatment (e.g., malnutrition, untreated infectious diseases)
- torture, intentional infliction of physical injury, as defined in s. 48.02, Stats., intentional causation of a medical condition (e.g., starvation, forced ingestion of harmful substances, Munchausen Syndrome by Proxy/Factitious Disorder by Proxy) or other cruelty toward the child
- egregiously inappropriate confinement or restraint of a child
- threatened abuse or neglect when there is reason to believe it will occur and that it would likely result in the need for medical treatment if carried out (e.g., child is threatened with a weapon, child is threatened by person who has caused significant harm to someone in the past)

Other Circumstances

- the investigating CPS worker may be at risk
- contact by the CPS worker may trigger a dangerous situation for others in the home (e.g., violence toward a spouse)
- access to the child is likely to be denied
- the case circumstances making the child unsafe are primarily criminal activities (e.g. parent has a methamphetamine lab in the family home)
- other cases where the special skills and authority of law enforcement professionals are needed

III.C.2. The MOU shall contain an agreement regarding the timeframe within which the county agency or BMCW will refer the above cases to law enforcement [Note: Cases of suspected or threatened sexual abuse must be referred within 12 hours, exclusive of Saturdays, Sundays, or legal holidays.]

There is room for judgment in some of the types of cases that must be referred to law enforcement agencies. For example, what constitutes "egregiously inappropriate" behaviors, how one assesses "intentional" behaviors and how one judges that certain behaviors would be likely to result in the need for medical treatment, are issues for discussion in the development of the MOU. County departments and BMCW are encouraged to develop greater clarity and specificity in these provisions and all of the above requirements through discussion with law enforcement agencies.

Differences in Definitions of Maltreatment

Law enforcement and CPS agencies use different sets of definitions for child abuse and neglect. CPS agencies use the definitions for physical abuse, sexual abuse and emotional abuse found at s. 48.02, Stats., and the definition of neglect found in s. 48.981, Stats. The definitions of sexual abuse are a cross-reference to certain sexual crimes against children found in Ch. 948 and other chapters of the Criminal Code. For purposes of criminal investigation, law enforcement agencies use the definitions and descriptions of crimes against children found in the Criminal Code, primarily in Chapter 948, Stats. Law enforcement officers tend to focus on the definitions in the Criminal Code; although officers who deal more routinely with children's issues, such as juvenile officers

and school liaison officers, are often more aware of the definitions in Chapter 48, Stats., and use those definitions when performing responsibilities under that chapter.

The differences in definitions for child abuse and neglect need to be discussed in developing MOUs for a variety of reasons. First, there are some crimes against children that are not child maltreatment under Chapter 48, and therefore not within the scope or authority of CPS. CPS generally should not be involved in responding to those reports. Second, there are significant differences between the definition of physical abuse in Chapter 948 and the definition of physical abuse in Chapter 48, in terms of the level of harm to a child.

The level of harm needed to proceed for criminal purposes is **lower** than the level of harm needed for CPS purposes. As defined in s. 948.03, Stats., “physical abuse of a child” includes intentional or reckless “causation of bodily harm.” “Bodily harm” is defined as “physical pain or injury, illness, or any impairment of physical condition.” [Ref. s. 939.22(4), Stats.] However, in Chapter 48, the level of harm required to substantiate physical abuse is the following: “‘Physical injury’ includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising or great bodily harm, as defined in s. 939.22(14).” [Ref. s. 48.02(14g), Stats.] “Great bodily harm” is defined as “bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.”

CPS agencies cannot restrict their response to just those reported cases that rise to the level of harm referenced above because CPS is also responsible for responding to children who are **likely** to be abused or neglected. This significantly expands those cases where CPS has a responsibility to respond and assess the situation. Nevertheless, the difference in definitions between Chapter 948 and Chapter 48 can still result, theoretically, in a case where a person is convicted in criminal court but unsubstantiated by the CPS agency. Therefore, county agencies and BMCW should discuss these differences with the law enforcement agencies during the process of developing the MOU to assure understanding of each other’s responsibilities and limitations.

D. MOU Content - Coordination with Law Enforcement Agencies

III.D.1. The MOU shall contain an agreement regarding the following:

- how planning and execution of investigations will be accomplished
- how parallel or joint investigations will be conducted, with an emphasis on coordinating and collaborating
- when and how joint interviewing will be conducted
- how changes in case circumstances affecting the safety of any family member will be communicated

III.D.2. The MOU shall contain a description of each agency's role and responsibilities in cases of alleged child maltreatment. The role and responsibilities of the county department or BMCW must be consistent with the child protective services purposes as outlined in each section of the Child Protective Service Investigation Standards and the Ongoing Child Protective Services Standards and Practice Guidelines, as applicable.

III.D.3. The county department or BMCW may not suspend or delay its response, defer or abbreviate its information gathering, delay notification of tribal authorities, where applicable, or otherwise fail to adhere to the requirements described in statute, federal laws, the Child Protective Service Investigation Standards or agency policy related to response time in deference to a law enforcement investigation. A delay in response time in order to coordinate with law enforcement agencies is allowable only if the delay is in the best interests of the child and the child's safety is not compromised by the delay.

III.D.4. The MOU shall include when and how written reports will be shared among the involved agencies and with whom and for what purpose written reports may be re-disclosed. Any limitations on what may be re-disclosed shall be clearly described. All such provisions shall be consistent with s. 48.981(7), Stats, and any other applicable statutes.

Participants in the MOU may wish to be very specific in describing how and by whom certain functions will be accomplished. For example, law enforcement agencies generally are responsible for the collection and preservation of evidence. This may include such things as photographs of the home conditions or injuries, videotapes, or audiotapes, in addition to physical evidence. County departments and BMCW are encouraged to develop greater clarity and specificity in these provisions and all of the above requirements through discussion with law enforcement agencies.

Balancing the Needs and Responsibilities of Both Systems

Effective coordination cannot be accomplished without a clear understanding of each others' purpose. Coordination is only effective if it allows each system to fulfill its purposes efficiently and successfully. The functions of each system are derived from their purposes. Law enforcement agencies investigate crimes and prepare cases for prosecution; therefore, the collection and preservation of evidence is a law enforcement function. CPS agencies provide and coordinate services to families to assure the ongoing safety and well being of children; therefore, establishing and implementing safety and treatment plans with the family are CPS functions.

In developing an MOU describing what each agency will do in various case circumstances, it is helpful to consider the skill sets of each agency. A report of a young child who is unsafe because the single mother is depressed, overwhelmed and without resources is a good fit with the social work skills of the CPS worker. Conversely, a report of a child who is unsafe because the parent has a methamphetamine lab in the basement is not suited to the CPS skill-set and instead needs a primary response from a law enforcement agency, which has the necessary skills to respond.

There is no statutory requirement that the coordination of the planning and execution of cases of suspected or threatened sexual abuse be handled in a specific way. County departments or BMCW and law enforcement agencies may develop different procedures and protocols for different types of cases and determine responsibilities for the various activities.

Both systems have statutory responsibilities. The responsibilities of one system do not supercede the responsibilities of the other. In a written response to a request for a legal opinion from a district attorney in 1988, Attorney General Donald Hanaway stated: "Without minimizing in any way the importance of criminal investigations and sanctions in particular cases, I strongly believe that the

primary purpose of section 48.981 when originally enacted and now is to assure that appropriate protective and other services are provided to abused and neglected children and their families in order to protect such children from further harm and to promote the well-being of the child in his or her home setting, whenever possible.”

There may be circumstances, however, when it is reasonable for one system to take a more prominent, or lead, role in conducting an investigation. These decisions should be based upon an understanding of the functions that need to be accomplished. For example, in child fatality cases alleged to be due to maltreatment, if there are no surviving siblings or other children at risk, the only function to be performed is the collection and preservation of evidence, a law enforcement function. There is no function for CPS (i.e., no need for assessing and developing safety or treatment plans). In such cases, CPS will have a minor role, if any, such as establishing a CPS record that the fatality occurred. If there are siblings, however, CPS has a primary role of assessing the safety of these children and implementing safety plans as needed. In these instances, both systems have an equal statutory responsibility, and coordination efforts should address this understanding.

For the most part, decisions about one system taking a lesser or greater role will pertain to certain activities in an investigation/assessment, rather than to the investigation as a whole. For example, CPS may have a major role in interviewing a child in a secondary caregiver case, but a minor role or no role in interviewing the alleged maltreater, relying on law enforcement personnel to interview the maltreater and share the interview results with CPS. In cases of maltreatment by adult non-caregivers, CPS’s only concern is whether the child victim has treatment needs and whether the parents need information or support to assure that their child’s needs for protection and treatment are met. Interviewing the alleged maltreater and pursuing action against that person are law enforcement responsibilities.

Some types of cases may require very specific procedures to be developed and documented in MOUs. For example, response to reports of methamphetamine labs in a family home requires the coordination of law enforcement agencies, CPS and hospitals. The initial response to this type of report must be made by law enforcement agencies, immediate assumption of custody and placement of children after law enforcement personnel have handled the emergent criminal issues are a CPS function, and decontamination and medical assessment of the children are a hospital responsibility. All of the above activities must be efficiently planned and executed in the best interests of the children.

Conducting Interviews

Interviews are a significant part of the investigation and assessment, for both the CPS agency and the law enforcement agency. Who CPS must interview, when and in what order is directed by the Child Protective Service Investigation Standards. The requirements vary, depending upon whether the maltreatment or harm is by a primary caregiver, secondary caregiver or non-caregiver. In primary caregiver cases, the CPS worker must interview/view the child, all siblings, the non-maltreating parent and the maltreating parent/person in parent role. In some non-caregiver cases, CPS is not required to interview anyone if they can fulfill their CPS purposes without interviews. Any agreements in an MOU regarding CPS conducting or participating in interviews must reflect these requirements.

The variation in the CPS role, depending upon whether the alleged maltreatment is by primary caregivers or by secondary or non-caregivers, is an additional consideration that must be taken into account in establishing procedures through an MOU. If the alleged maltreatment is by a primary caregiver, an interview protocol that starts with the child is appropriate, as is interviewing the child without parental permission or knowledge. In such situations, consideration must be given to the location of the child, urgency of the situation, consent by appropriate caregivers, or other legal authority (e.g., court order, warrant, *capias*).

However, if the alleged maltreatment is by a secondary or non-caregiver, the role of CPS during initial assessment/investigation is to support the parent in meeting the child's need for protection and/or services and avoid usurping the parents' role, authority or judgment. Therefore, interviews by CPS should begin with the parent. This may not be consistent with the law enforcement interviewing protocol and will need to be addressed in the MOU.

Interviews may be conducted jointly or separately. Some interviews in certain circumstances may be conducted only by one of the systems, as the other does not need the information to fulfill its purposes. Communities may develop different models, employing a very standardized protocol or a more flexible protocol, depending upon community needs and resources. Generally, however, joint interviewing of children is recommended, particularly if it reduces the number of times that a child victim needs to tell his or her story. Other options may be considered, depending upon the resources available in the community. For example, one person may interview a child in a setting/facility, such as a child advocacy center, that allows others to observe and communicate with the interviewer as needed to assure both systems' questions are answered and needs are met.

In cases where joint interviews are conducted, a decision should be made as to who will take the lead in the interview. This decision may be made on a case-by-case basis, based on the skills and experience of the individual professionals involved, and the age, gender and particular needs of the child being interviewed or the particular history of the adult being interviewed. For example, a woman who has been the repeated victim of domestic violence by her husband/boyfriend may be more comfortable being interviewed by a female social worker or law enforcement officer. Some law enforcement and CPS professionals have developed such a level of experience and trust with each other that they are able to trade the lead in an interview back and forth, as needed, to achieve their purposes; a formal decision, when such a working relationship exists, is often not needed.

The CPS system and law enforcement system have similar purposes when interviewing an alleged child victim and are likely to use similar interviewing techniques. When interviewing other principles of the report, such as an alleged maltreater, however, purposes and therefore techniques of the two systems may diverge. As mentioned earlier, establishing and implementing safety and treatment plans with the family are CPS functions. CPS cannot be effective in fulfilling these functions without a working relationship with the family based on trust and mutual respect. CPS must lay the groundwork for this relationship during the investigation and introduce the agency to the family as a source of help. Trust must be established and maintained over an extended period of time, not just over the course of one or two interviews. This requires honesty on the part of the workers in interacting with the family, as well as adherence to other social work casework principles, such as client self-determination, non-judgmental approach by the caseworker, etc. Law enforcement officers, on the other hand, may use an interviewing strategy that employs a level of deception to obtain critical information or confessions leading to convictions. The need to maintain an ongoing working relationship with the family is not necessarily relevant to their purpose.

Agreements in the MOU regarding interview responsibilities should reflect the above understanding.

In those circumstances when separate interviews may be conducted, it is helpful to coordinate the order of the interviews by each system. The MOU should address this to the extent possible. However, the CPS system may not delay its required actions beyond those timeframes specified in statutes. Timelines in standards may only be delayed if the delay results in better adherence to the purposes of the standards and child safety is not jeopardized. The MOU should also address those circumstances when one system will not be involved in interviewing. For example, CPS generally does not interview alleged maltreaters in non-caregiver cases.

E. Expanding the MOU

County departments and BMCW may expand the types of cases that will be routinely referred to law enforcement agencies. The listing in section III.C. is of cases that must, at a minimum, be routinely referred to law enforcement agencies.

The MOU may also address additional procedures related to an investigation and how they will be implemented. One such procedure is the removal of a child from his or her home. The removal of a child, an action taken to ensure a child's safety, can escalate already volatile emotions in a family, creating a more dangerous situation than that which the CPS worker originally entered. Although the need for emergency removal may not be evident from the referral information, there are times when the referral information is sufficient to suggest this possibility. County agencies and BMCW are encouraged to develop procedures regarding the participation of law enforcement and social/human services personnel in the removal of children from their homes as part of the MOU.

In addition, other procedures associated with removing a child from a home may be addressed in the MOU, including:

- measures that decrease trauma to the child and assure a transition that is supportive (e.g., a parent accompanying the child to the placement, assisting the child in bringing some personal belongings, acclimating the child to the placement home, processing the situation with the child)
- identification of placement options other than licensed care, such as with relatives
- steps to assure the basic safety of the temporary placement
- obtaining basic health information from the parent so that the foster parent or other caregiver is aware of any immediate medical concerns
- notification of the parent if the parent is absent when the child is removed
- notification and involvement of the tribe for children who are included in the Indian Child Welfare Act
- other issues the parties to the MOU wish to address

County departments/BMCW and law enforcement agencies may choose to enhance the MOUs by including other parties, particularly those who have a responsibility to investigate or assess child maltreatment or take legal action on behalf of the child or the public. For example, local agencies may wish to include the District Attorney in the agreement process. If the county uses a child advocacy center, involvement of that center in the development of the MOU should also be considered.

Local agencies may develop the MOU as a broader document if that serves the community's purpose. For example, the statute states that "Each sheriff and police department shall adopt a written policy specifying the kinds of reports of suspected or threatened abuse, as defined in s. 48.02(1)(b) to (f), that the sheriff or police department will routinely refer to the district attorney for criminal prosecution." [Ref. s. 48.981(3)(b)3.] Although this does not involve the county department or BMCW, the involved parties may wish to include this policy in the MOU, particularly if the District Attorney is involved in the development of the MOU.

The statutes include a requirement that "The department, the county departments . . . to the extent feasible shall conduct continuing education and training programs for staff of the department, the county departments...law enforcement agencies, and ... others as appropriate." [Ref. s. 48.981(8)(a)] County departments and BMCW may wish to include language addressing training issues involving law enforcement agencies in the MOU. If so, local departments are encouraged to include consideration as to how they will collaborate and support continuing education in child welfare cases where domestic violence, substance abuse, mental health issues or developmental disabilities are an issue or where the Indian Child Welfare Act applies.

County departments are encouraged to develop MOUs with the local law enforcement agencies that reflect the needs and resources of the community. The extent to which community oriented policing is employed, the skill level and experience level of professionals in the CPS and law enforcement systems, the ability of the CPS system to provide services beyond mandated responsibilities and the availability of other resources in the community can all impact the content of the MOUs.